

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMAL SHETIWY, LOUIS C. YEOSTROS, JOHN MURPHY, PLAMEN PANKOFF, SPIROS ARGYROS, NICOLE GAGNON, VIELKA VARGAS, ROSE VILLANUEVA, and others similarly situated,

Plaintiffs,

- against -

MIDLAND CREDIT MANAGEMENT, A/K/A MIDLAND FUNDING LLC, CAVALRY SPV, LLC, CACH, LLC, LVNV FUNDING, LCC, FIA CARD SERVICES, N.A., PORTFOLIO RECOVERY ASSOCIATES, LLC, ASSOCIATED RECOVERY SYSTEMS, EQUABLE ASCENT FINANCIAL, LLC, CHASE BANK, N.A., BANK OF AMERICA, N.A.

Defendants.

12 Civ. 7068 (SAS) (HBP)

**DECLARATION OF
ANDREW A. RUFFINO
IN SUPPORT OF
MOTION TO DISMISS
SECOND AMENDED
COMPLAINT AND
STRIKE CLASS
ALLEGATIONS**

Andrew A. Ruffino declares as follows:

1. I am a partner at Covington & Burling LLP, which is counsel to Defendant Chase Bank USA, N.A. (“Chase”) in this litigation. I make this declaration in order to put documents before the Court in connection with Defendants’ Motion to Dismiss the Second Amended Complaint and Strike Class Allegations. This declaration is based on my personal knowledge.

2. Plaintiffs filed their initial Complaint on September 19, 2012. Pursuant to Part IV-B of this Court’s Individual Rules and Procedures, we sent a pre-motion letter to counsel for Plaintiffs on October 3, 2012. The letter outlined the legal deficiencies we perceived in their Complaint and advised them of our intention to move to dismiss. The anticipated motion to dismiss was the subject of further discussions at the initial pretrial conference on November 4,

2012. The Court thereafter issued an order setting a schedule for Plaintiffs to file an Amended Complaint and for Defendants to move to dismiss.

3. On September 20, 2013, the Court granted Defendants' motion to dismiss the Amended Complaint and granted Plaintiffs leave to amend. Plaintiffs filed a Second Amended Complaint on October 18, 2013. The Court thereafter issued an order setting a schedule for Defendants to move to dismiss.

4. Attached as Exhibit A is a true and correct copy of Plaintiffs' Amended Complaint dated December 1, 2012 (and filed on December 6, 2012), excluding the accompanying exhibits.

5. Attached as Exhibit B is a true and correct copy of this Court's Order dismissing the Amended Complaint dated September 19, 2013 (and filed on September 20, 2013).

6. Attached as Exhibit C is a true and correct copy of Plaintiffs' Second Amended Complaint dated October 9, 2013 (and filed on October 18, 2013).

7. Attached as Exhibit D are true and correct copies of the exhibits to Plaintiffs' Second Amended Complaint that were filed on October 18, 2013.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 13, 2013 at New York, New York.

s/ Andrew A. Ruffino

ANDREW A. RUFFINO